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MONTANA CONSTITUTIONAL CONVENTION

1971-1972

REPORT OF COMMITTEE ON STYLE, DRAFTING, TRANSITION AND SUBMISSION

FINAL REPORT

Date Reported: March 22, 1972

John M. Schultzy, Chairman
William C. Burkhardt, Vice Chairman

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REPORT OF COMMITTEE ON STYLE, DRAFTING, TRANSITION AND SUBMISSION

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John M. Scheltz, Chairman

William C. Burkhardt, Vice Chairman

MSE JUL 6 '77

WSP MAR 26 '83

FINAL REPORT
COMMENTS ON STYLE, FORM, AND GRAMMAR

1. To consist with the change made by the Convention in proposal No. 12, GENERAL GOVERNMENT, the noun "branch" was substituted for "department" in:

Article V, section 11 (unicameral and bicameral)

Article VI, sections 1, 4, 5, 15

Article XIII, section 4.

2. To order material, the following provisions were moved as shown:

- (a) Salary commission -- from Article V, THE LEGISLATURE, section 5, subsection 2, to Article XIII, GENERAL PROVISIONS, section 4.
- (b) Prohibited payments -- from Article V, THE LEGISLATURE, section 16 (unicameral) section 15 (bicameral), to Article VIII, REVENUE AND FINANCE, section 14.
- (c) Code of ethics -- from Article V, THE LEGISLATURE, section 17 (unicameral) section 16 (bicameral), to Article XIII, GENERAL PROVISIONS, section 5.
- (d) Exemption laws -- from Article VII, THE JUDICIARY, section 12, to Article XIII, GENERAL PROVISIONS, section 6.
- (e) Perpetuities -- from Article VII, THE JUDICIARY, section 13, to Article XIII, GENERAL PROVISIONS, section 7.

3. To avoid repeating a sentence identical to that appearing as section 3 of Article X, EDUCATION AND PUBLIC LANDS, the first

sentence of subsection (2), section 13, Article VIII, REVENUE
AND FINANCE, was deleted.

TO: Montana Constitutional Convention
SUBJECT: FINAL REPORT

Ladies and Gentlemen:

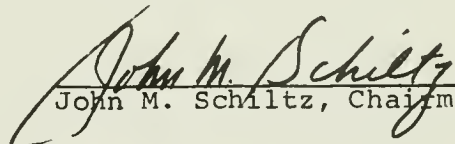
The Committee on Style, Drafting, Transition, and Submission transmits its final report for consideration of the Convention.

Immediately following this letter you will find:

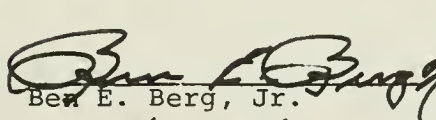



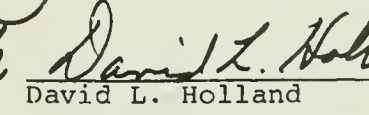

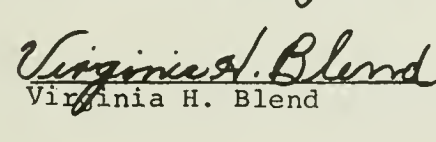
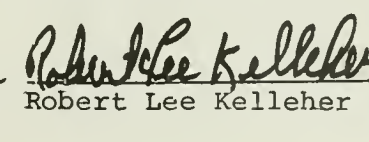

- (a) COMMENTS identifying changes in form or order.
- (b) The proposed Constitution.
- (c) Adoption Schedule.
- (d) Transition Schedule.
- (e) A proposed form of ballot.

The Committee wishes to thank Professor Gardner Cronwell, Consultant; Sandra Muckelston and Diana Dowling, Counsel; and Betty Nelson, staff secretary.

Sincerely,


John M. Schiltz, Chairman


William A. Burkhardt, Vice Chairman

 Ben E. Berg, Jr.	 J. C. Garlington	 Jerome T. Loendorf
 Chet Blaylock	 David L. Holland	 Richard B. Roeder
 Virginia H. Blend	 Robert Lee Kelleher	 Lucile Speer

PREAMBLE

1
2 We the people of Montana grateful to God for the
3 quiet beauty of our state, the grandeur of our mountains,
4 the vastness of our rolling plains, and desiring to
5 improve the quality of life, equality of opportunity and
6 to secure the blessings of liberty for this and future
7 generations do ordain and establish this constitution.
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ARTICLE I

COMPACT WITH THE UNITED STATES

All provisions of the enabling act of Congress (approved February 22, 1889, 25 Stat. 676), as amended and of Ordinance No. 1, appended to the Constitution of the state of Montana and approved February 22, 1889, including the agreement and declaration that all lands owned or held by any Indian or Indian tribes shall remain under the absolute jurisdiction and control of the congress of the United States, continue in full force and effect until revoked by the consent of the United States and the people of Montana.

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ARTICLE II

DECLARATION OF RIGHTS

Section 1. POPULAR SOVEREIGNTY. All political power is vested in and derived from the people. All government of right originates with the people, is founded upon their will only, and is instituted solely for the good of the whole.

Section 2. SELF-GOVERNMENT. The people have the exclusive right of governing themselves as a free, sovereign, and independent state. They may alter or abolish the constitution and form of government whenever they deem it necessary.

Section 3. INALIENABLE RIGHTS. All persons are born free and have certain inalienable rights. They include the right to a clean and healthful environment and the rights of pursuing life's basic necessities, enjoying and defending their lives and liberties, acquiring, possessing and protecting property, and seeking their safety, health and happiness in all lawful ways. In enjoying these rights, all persons recognize corresponding responsibilities.

Section 4. INDIVIDUAL DIGNITY. The dignity of the human being is inviolable. No person shall be denied the

1 equal protection of the laws. Neither the state nor any
2 person, firm, corporation, or institution shall discriminate
3 against any person in the exercise of his civil or political
4 rights on account of race, color, sex, culture, social origin
5 or condition, or political or religious ideas.

6 Section 5. FREEDOM OF RELIGION. The state shall make
7 no law respecting an establishment of religion or prohibiting
8 the free exercise thereof.

9 Section 6. FREEDOM OF ASSEMBLY. The people shall have
10 the right peaceably to assemble, petition for redress or
11 peaceably protest governmental action.

12 Section 7. FREEDOM OF SPEECH, EXPRESSION, AND PRESS.
13 No law shall be passed impairing the freedom of speech or
14 expression. Every person shall be free to speak or publish
15 whatever he will on any subject, being responsible for all
16 abuse of that liberty. In all suits and prosecutions for
17 libel or slander the truth thereof may be given in evidence;
18 and the jury, under the direction of the court, shall
19 determine the law and the facts.

20 Section 8. RIGHT OF PARTICIPATION. The public has the
21 right to expect governmental agencies to afford such reason-
22 able opportunity for citizen participation in the operation
23 of the agencies prior to the final decision as may be
24 provided by law.

25 Section 9. RIGHT TO KNOW. No person shall be deprived
26 of the right to examine documents or to observe the
27 deliberations of all public bodies or agencies of state
28 government and its subdivisions, except in cases in which
29 the demand of individual privacy clearly exceeds the
30 merits of public disclosure.

1 Section 10. RIGHT OF PRIVACY. The right of individ-
2 ual privacy is essential to the well-being of a free
3 society and shall not be infringed without the showing of
4 a compelling state interest.

5 Section 11. SEARCHES AND SEIZURES. The people shall
6 be secure in their persons, papers, homes and effects from
7 unreasonable searches and seizures. No warrant to search
8 any place, or seize any person or thing shall issue with-
9 out describing the place to be searched or the person or
10 thing to be seized, or without probable cause, supported
11 by oath or affirmation reduced to writing.

12 Section 12. RIGHT TO BEAR ARMS. The right of any
13 person to keep or bear arms in defense of his own home,
14 person, and property, or in aid of the civil power when
15 thereto legally summoned, shall not be called in question,
16 but nothing herein contained shall be held to permit the
17 carrying of concealed weapons.

18 Section 13. RIGHT OF SUFFRAGE. All elections shall
19 be free and open, and no power, civil or military, shall
20 at any time interfere to prevent the free exercise of the
21 right of suffrage.

22 Section 14. ADULT RIGHTS. A person 18 years of age
23 or older is an adult for all purposes.

24 Section 15. RIGHTS OF PERSONS NOT ADULTS. The rights
25 of persons under 18 years of age shall include, but not be
26 limited to, all the fundamental rights of this article
27 unless specifically precluded by laws which enhance the
28 protection of such persons.

29 Section 16. THE ADMINISTRATION OF JUSTICE. Courts of
30 justice shall be open to every person, and speedy remedy

1 afforded for every injury of person, property, or character.
2 No person shall be deprived of this full legal redress for
3 injury incurred in employment for which another person may
4 be liable except as to fellow employees and his immediate
5 employer who hired him if such immediate employer provides
6 coverage under the Workmen's Compensation Laws of this
7 state. Right and justice shall be administered without
8 sale, denial, or delay.

9 Section 17. DUE PROCESS OF LAW. No person shall be
10 deprived of life, liberty, or property without due process
11 of law.

12 Section 18. STATE SUBJECT TO SUIT. The state, counties,
13 cities, towns, and all other local governmental entities
14 shall have no immunity from suit for injury to a person or
15 property. This provision shall apply only to causes of action
16 arising after July 1, 1973.

17 Section 19. HABEAS CORPUS. The privilege of the writ
18 of habeas corpus shall never be suspended.

19 Section 20. INITIATION OF PROCEEDINGS. (1) Criminal
20 offenses within the jurisdiction of any court inferior to the
21 district court shall be prosecuted by complaint. All criminal
22 actions in district court, except those on appeal, shall be
23 prosecuted either by information, after examination and commit-
24 ment by a magistrate or after leave granted by the court, or
25 by indictment without such examination, commitment or leave.

26 (2) A grand jury shall consist of eleven persons,
27 of whom eight must concur to find an indictment. A grand
28 jury shall be drawn and summoned only at the discretion and
29 order of the district judge.

30 Section 21. BAIL. All persons shall be bailable by

1 sufficient sureties, except for capital offenses, when
2 the proof is evident or the presumption great.

3 Section 22. EXCESSIVE SANCTIONS. Excessive bail
4 shall not be required, or excessive fines imposed, or
5 cruel and unusual punishments inflicted.

6 Section 23. DETENTION. No person shall be imprisoned
7 for the purpose of securing his testimony in any criminal
8 proceeding longer than may be necessary in order to take
9 his deposition. If he can give security for his appear-
10 ance at the time of trial, he shall be discharged upon
11 giving the same; if he cannot give security, his deposition
12 shall be taken in the manner provided by law, and in the
13 presence of the accused and his counsel, or without their
14 presence, if they shall fail to attend the examination
15 after reasonable notice of the time and place thereof.

16 Section 24. RIGHTS OF THE ACCUSED. In all criminal
17 prosecutions the accused shall have the right to appear
18 and defend in person and by counsel; to demand the nature
19 and cause of the accusation; to meet the witnesses against
20 him face to face; to have process to compel the attendance
21 of witnesses in his behalf, and a speedy public trial by
22 an impartial jury of the county or district in which
23 the offense is alleged to have been committed, subject
24 to the right of the state to have a change of venue for
25 any of the causes for which the defendant may obtain the
26 same.

27 Section 25. SELF-INCRIMINATION AND DOUBLE JEOPARDY.
28 No person shall be compelled to testify against himself
29 in a criminal proceeding. No person shall be again put
30 in jeopardy for the same offense previously tried in any

jurisdiction.

Section 26. TRIAL BY JURY. The right of trial by jury is secured to all and shall remain inviolate. But upon default of appearance or by consent of the parties expressed in such manner as the law may provide, all cases may be tried without a jury or before fewer than the number of jurors provided by law. In all civil actions, two-thirds of the jury may render a verdict, and a verdict so rendered shall have the same force and effect as if all had concurred therein. In all criminal actions, the verdict shall be unanimous.

Section 27. IMPRISONMENT FOR DEBT. No person shall be imprisoned for debt except in the manner provided by law, upon refusal to deliver up his estate for the benefit of his creditors, or in cases of tort, where there is strong presumption of fraud.

Section 28. RIGHTS OF THE CONVICTED. Laws for the punishment of crime shall be founded on the principles of prevention and reformation. Full rights are restored by termination of state supervision for any offense against the state.

Section 29. EMINENT DOMAIN. Private property shall not be taken or damaged for public use without just compensation to the full extent of the loss having been first made to or paid into court for the owner. In the event of litigation, just compensation shall include necessary expenses of litigation to be awarded by the court when the private property owner prevails.

Section 30. TREASON AND DESCENT OF ESTATES. Treason against the state shall consist only in levying war against

1 it, or in adhering to its enemies, giving them aid and
2 comfort; no person shall be convicted of treason except on
3 the testimony of two witnesses to the same overt act, or
4 on his confession in open court; no person shall be attaint-
5 ed of treason or felony by the legislature; no conviction
6 shall cause the loss of property to the relatives or heirs
7 of the convicted. The estates of suicides shall descend or
8 vest as in cases of natural death.

9 Section 31. EX POST FACTO, OBLIGATION OF CONTRACTS,
10 AND IRREVOCABLE PRIVILEGES. No ex post facto law nor any
11 law impairing the obligation of contracts, or making any
12 irrevocable grant of special privileges, franchises, or
13 immunities, shall be passed by the legislature.

14 Section 32. CIVILIAN CONTROL OF THE MILITARY. The
15 military shall always be in strict subordination to the
16 civil power; no soldier shall in time of peace be
17 quartered in any house without the consent of the owner,
18 nor in time of war, except in the manner provided by law.

19 Section 33. IMPORTATION OF ARMED PERSONS. No armed
20 person or persons or armed body of men shall be brought
21 into this state for the preservation of the peace, or the
22 suppression of domestic violence, except upon the
23 application of the legislature, or of the governor when
24 the legislature cannot be convened.

25 Section 34. UNENUMERATED RIGHTS. The enumeration in
26 this constitution of certain rights shall not be construed
27 to deny, impair, or disparage others retained by the people.

28 Section 35. SERVICEMEN, SERVICEWOMEN, AND VETERANS.
29 The people declare that Montana servicemen, servicewomen,
30 and veterans may be given special considerations determined

by the legislature.

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ARTICLE III

GENERAL GOVERNMENT

Section 1. SEPARATION OF POWERS. The power of the government of this state is divided into three distinct branches--legislative, executive, and judicial. No person or persons charged with the exercise of power properly belonging to one branch shall exercise any power properly belonging to either of the others, except as in this constitution expressly directed or permitted.

Section 2. CONTINUITY OF GOVERNMENT. The seat of government shall be in Helena, except during periods of emergency resulting from disasters or enemy attack. The legislature may enact laws to insure the continuity of government during a period of emergency without regard for other provisions of the constitution. They shall be effective only during the period of emergency that affects a particular office or governmental operation.

Section 3. OATH OF OFFICE. Members of the legislature and all executive, ministerial and judicial officers, shall take and subscribe the following oath or affirmation, before they enter upon the duties of their offices: "I do solemnly swear (or affirm) that I will support, protect and defend the constitution of the United States, and the constitution of the state of Montana, and that I will discharge the duties of my office with fidelity (so help me God)." No other oath, declaration, or test shall be required as a qualification for any office or public trust.

Section 4. INITIATIVE. (1) The people may enact laws by initiative on all matters except appropriations

1 of money and local or special laws.

2 (2) Initiative petitions must contain the full
3 text of the proposed measure, shall be signed by at least
4 five percent of the qualified electors in each of at
5 least one-third of the legislative representative districts
6 and the total number of signers must be at least five per-
7 cent of the total qualified electors of the state. Peti-
8 tions shall be filed with the secretary of state at least
9 three months prior to the election at which the measure
10 will be voted upon.

11 (3) The sufficiency of the initiative petition shall
12 not be questioned after the election is held.

13 Section 5. REFERENDUM. (1) The people may approve
14 or reject by referendum any act of the legislature except
15 an appropriation of money. A referendum shall be held
16 either upon order by the legislature or upon petition
17 signed by at least five percent of the qualified electors
18 in each of at least one-third of the legislative represent-
19 ative districts. The total number of signers must be at
20 least five percent of the qualified electors of the state.
21 A referendum petition shall be filed with the secretary of
22 state no later than six months after adjournment of the
23 legislature which passed the act.

24 (2) An act referred to the people is in effect until
25 suspended by petitions signed by at least 15 percent of
26 the qualified electors in a majority of the legislative
27 representative districts. If so suspended the act shall
28 become operative only after it is approved at an election,
29 the result of which has been determined and declared as
30 provided by law.

1 Section 6. ELECTIONS. The people shall vote on
2 initiative and referendum measures at the general elec-
3 tion unless the legislature orders a special election.

4 Section 7. NUMBER OF ELECTORS. The number of
5 qualified electors required in each legislative repre-
6 sentative district and in the state shall be determined
7 by the number of votes cast for the office of governor
8 in the preceding general election.

9 Section 8. PROHIBITION. The provisions of this
10 Article do not apply to CONSTITUTIONAL REVISION, Article
11 XIV.

12 Section 9. GAMBLING. All forms of gambling,
13 lotteries, and gift enterprises are prohibited unless
14 authorized by acts of the legislature or by the people
15 through initiative or referendum.

16 Section 9. GAMBLING. All forms of gambling,
17 lotteries, and gift enterprises are prohibited.

1 ARTICLE IV

2 SUFFRAGE AND ELECTIONS

3 Section 1. BALLOT. All elections by the people shall
4 be by secret ballot.

5 Section 2. QUALIFIED ELECTOR. Any citizen of the
6 United States 18 years of age or older who meets the
7 registration and residence requirements provided by law
8 is a qualified elector unless he is serving a sentence
9 for a felony in a penal institution or is of unsound mind,
10 as determined by a court.

11 Section 3. ELECTIONS. The legislature shall provide
12 by law the requirements for residence, registration, absentee
13 voting, and administration of elections. It may provide for
14 a system of poll booth registration, and shall insure the
15 purity of elections and guard against abuses of the
16 electoral process.

17 Section 4. ELIGIBILITY FOR PUBLIC OFFICE. Any
18 qualified elector is eligible to any public office except as
19 otherwise provided in this constitution. The legislature
20 may provide additional qualifications but no person
21 convicted of a felony shall be eligible to hold office
22 until his final discharge from state supervision.

23 Section 5. RESULT OF ELECTIONS. In all elections
24 held by the people, the person or persons receiving the
25 largest number of votes shall be declared elected.

26 Section 6. PRIVILEGE FROM ARREST. A qualified
27 elector is privileged from arrest at polling places and
28 in going to and returning therefrom, unless apprehended in
29 the commission of a felony or a breach of the peace.
30

1 ARTICLE V

2 THE LEGISLATURE

3 Section 1. POWER AND STRUCTURE. The legislative
4 power is vested in a legislature of one chamber whose
5 members are designated senators. The people reserve to
6 themselves the powers of initiative and referendum.

7 Section 2. SIZE. The number of senators shall be
8 provided by law, but it shall not be smaller than 90
9 nor larger than 105.

10 Section 3. ELECTION AND TERMS. A senator shall
11 be elected for a term of four years to begin on a date
12 provided by law. One-half of the senators shall be
13 elected every two years.

14 Section 4. QUALIFICATIONS. A candidate for the
15 legislature shall be a resident of the state for at
16 least one year next preceding the general election.
17 For six months next preceding the general election,
18 he shall be a resident of the county if it contains
19 one or more districts or of the district if it contains
20 all or parts of more than one county.

21 Section 5. COMPENSATION. Each member of the
22 legislature shall receive compensation for his services
23 and allowances provided by law. No legislature may fix
24 its own compensation.

25 Section 6. SESSIONS. The legislature shall be a
26 continuous body for two-year periods beginning when newly
27 elected members take office. Any business, bill, or
28 resolution pending at adjournment of a session shall carry
29 over with the same status to any other session of the
30 legislature during the biennium. The legislature shall meet

1 at least once a year in regular sessions of not more than 60
2 legislative days. Any legislature may increase the limit on
3 the length of any subsequent session. The legislature may
4 be convened in special sessions by the governor or at the
5 written request of a majority of the members.

6 Section 7. VACANCIES. A vacancy in the legislature
7 shall be filled by special election for the unexpired term
8 unless otherwise provided by law.

9 Section 8. IMMUNITY. A member of the legislature
10 is privileged from arrest during attendance at sessions of
11 the legislature and in going to and returning therefrom,
12 unless apprehended in the commission of a felony or a breach
13 of the peace. He shall not be questioned in any other place
14 for any speech or debate in the legislature.

15 Section 9. DISQUALIFICATION. No member of the legis-
16 lature shall, during the term for which he shall have been
17 elected, be appointed to any civil office under the state;
18 and no member of congress, or other person holding an office
19 (except notary public, or in the militia) under the United
20 States or this state, shall be a member of the legislature
21 during his continuance in office.

22 Section 10. ORGANIZATION AND PROCEDURE. (1) The
23 legislature shall judge the election and qualifications of
24 senators. It may by law vest in the courts the power to
25 try and determine contested elections. It shall choose
26 its officers from among its members, keep a journal, and make
27 rules for its proceedings. It may expel or punish a senator
28 for good cause shown with the concurrence of two-thirds of
29 all the senators.

30 (2) A majority of the senators constitutes a quorum.

1 A smaller number may adjourn from day to day and compel
2 attendance of absent members.

3 (3) The sessions of the legislature and of the committee
4 of the whole, all committee meetings, and all hearings shall
5 be open to the public.

6 (4) The legislature may establish a legislative council
7 and other interim committees. The legislature shall establish
8 a legislative post-audit committee which shall supervise
9 post-auditing duties provided by law.

10 Section 11. BILLS. (1) A law shall be passed by bill
11 which shall not be so altered or amended on its passage through
12 the legislature as to change its original purpose. No bill
13 shall become law except by a vote of the majority of all
14 members present and voting.

15 (2) Every vote of each member on each substantive ques-
16 tion in the legislature, in any committee, or in committee of
17 the whole shall be recorded and made public. On final passage,
18 the vote shall be taken by ayes and noes and the names entered
19 on the journal.

20 (3) Each bill, except general appropriation bills and
21 bills for the codification and general revision of the laws,
22 shall contain only one subject, clearly expressed in its title.
23 If any subject is embraced in any act and is not expressed in
24 the title, only so much of the act not so expressed is void.

25 (4) A general appropriation bill shall contain only
26 appropriations for the ordinary expenses of the legislative,
27 executive, and judicial branches, for interest on the public
28 debt, and for public schools. Every other appropriation shall
29 be made by a separate bill containing but one subject.

30 (5) No appropriation shall be made for religious, charitable,

1 industrial, educational, or benevolent purposes to any
2 private individual, private association, or private cor-
3 poration not under control of the state.

4 (6) A law may be challenged on the ground of non-
5 compliance with this section only within two years after
6 its effective date.

7 Section 12. LOCAL AND SPECIAL LEGISLATION. The
8 legislature shall not pass a special or local act when a
9 general act is, or can be made, applicable.

10 Section 13. IMPEACHMENT. (1) The governor, executive
11 officers, heads of state departments, judicial officers, and
12 such other officers as may be provided by law are subject to
13 impeachment, and upon conviction shall be removed from office.
14 Other proceedings for removal from public office for cause
15 may be provided by law.

16 (2) The legislature shall provide for the manner,
17 procedure, and causes for impeachment and shall provide for
18 a tribunal.

19 (3) Impeachment can be brought only by a two-thirds
20 vote of the legislature. The tribunal hearing the charges
21 shall convict only by a vote of two-thirds or more of its
22 members.

23 (4) Conviction shall extend only to removal from office,
24 but the party, whether convicted or acquitted, shall also be
25 liable to prosecution according to law.

26 Section 14. DISTRICTING AND APPORTIONMENT. (1) The
27 state shall be divided into as many districts as there are
28 senators and each district shall elect one senator. Each
29 district shall consist of compact and contiguous territory.
30 All districts shall be as nearly equal in population as is

1 practicable.

2 (2) In the legislative session following ratification
3 of this constitution and thereafter in each session preceding
4 each federal population census, a commission of five citizens,
5 none of whom may be public officials, shall be selected to
6 prepare a plan for redistricting and reapportioning the
7 state into legislative and congressional districts. The
8 majority and minority leaders of the legislature shall each
9 select two commissioners. Within 20 days after their designa-
10 tion, the four commissioners shall select the fifth member,
11 who shall serve as chairman of the commission. If the four
12 members fail to select the fifth member within the time pro-
13 vided, a majority of the supreme court shall select him.

14 (3) The commission shall submit its plan to the legis-
15 lature at the first regular session after its appointment or
16 after the census figures are available. Within 30 days after
17 submission, the legislature shall return the plan to the
18 commission with its recommendations. Within 30 days there-
19 after, the commission shall file its final plan with the
20 secretary of state and it shall become law. The commission
21 is then dissolved.

22 Section 15. REFERENDUM OF UNICAMERAL LEGISLATURE. (1)
23 In 1980 the secretary of state shall place upon the ballot at
24 the general election the question: "Shall the unicameral
25 legislature form be continued?"

26 (2) If a majority of the qualified electors voting on
27 the question answer in the affirmative, the form shall be
28 continued, and this section shall be of no further effect.

29 (3) If a majority of the qualified electors voting on
30 the question answer in the negative, Article V of this

1 Constitution is amended by deleting sections 1, 2, 3, 10, 13,
2 and 14, and inserting in lieu thereof the following:

3 (a) "Section 1. POWER AND STRUCTURE. The legisla-
4 tive power is vested in a legislature consisting of a senate
5 and a house of representatives. The people reserve to them-
6 selves the powers of initiative and referendum."

7 (b) "Section 2. SIZE. The size of the legislature
8 shall be provided by law, but the senate shall not have more
9 than 50 or fewer than 40 members and the house shall not
10 have more than 100 or fewer than 80 members."

11 (c) "Section 3. ELECTION AND TERMS. A member of the
12 house of representatives shall be elected for a term of two
13 years and a member of the senate for a term of four years,
14 each to begin on a date provided by law. One-half of the
15 senators shall be elected every two years."

16 (d) "Section 10. ORGANIZATION AND PROCEDURE. (1)
17 Each house shall judge the election and qualifications of its
18 members. It may by law vest in the courts the power to try
19 and determine contested elections. Each house shall choose
20 its officers from among its members, keep a journal, and
21 make rules for its proceedings. Each house may expel or
22 punish a member for good cause shown with the concurrence of
23 two-thirds of all its members.

24 "(2) A majority of each house constitutes a quorum. A
25 smaller number may adjourn from day to day and compel attendance
26 of absent members.

27 "(3) The sessions of the legislature and of the committee
28 of the whole, all committee meetings, and all hearings shall
29 be open to the public.

30 "(4) The legislature may establish a legislative council

1 and other interim committees. The legislature shall establish
2 a legislative post-audit committee which shall supervise post-
3 auditing duties provided by law.

4 "(5) Neither house shall, without the consent of the
5 other, adjourn or recess for more than three days or to
6 any place other than that in which the two houses are
7 sitting."

8 (e) "Section 13. IMPEACHMENT. (1) The governor,
9 executive officers, heads of state departments, judicial
10 officers, and such other officers as may be provided by law
11 are subject to impeachment, and upon conviction shall be
12 removed from office. Other proceedings for removal from
13 public office for cause may be provided by law.

14 "(2) The legislature shall provide for the manner, pro-
15 cedure and causes for impeachment and may select the senate
16 as tribunal.

17 "(3) Impeachment shall be brought only by a two-thirds
18 vote of the house. The tribunal hearing the charges shall
19 convict only by a vote of two-thirds or more of its members.

20 "(4) Conviction shall extend only to removal from
21 office, but the party, whether convicted or acquitted,
22 shall also be liable to prosecution according to law."

23 (f) "Section 14. DISTRICTING AND APPORTIONMENT. (1)
24 The state shall be divided into as many districts as there
25 are members of the house, and each district shall elect one
26 representative. Each senate district shall be composed of
27 two adjoining house districts, and shall elect one senator.
28 Each district shall consist of compact and contiguous
29 territory. All districts shall be as nearly equal in popula-
30 tion as is practicable.

1 "(2) In the legislative session following this amend-
2 ment and thereafter in each session preceding each federal
3 population census, a commission of five citizens, none of
4 whom may be public officials, shall be selected to prepare
5 a plan for redistricting and reapportioning the state into
6 legislative and congressional districts. The majority and
7 minority leaders of each house shall each designate one
8 commissioner. Within 20 days after their designation, the
9 four commissioners shall select the fifth member, who shall
10 serve as chairman of the commission. If the four members
11 fail to select the fifth member within the time provided,
12 a majority of the supreme court shall select him.

13 "(3) The commission shall submit its plan to the
14 legislature at the first regular session after its appoint-
15 ment or after the census figures are available. Within 30
16 days after submission, the legislature shall return the
17 plan to the commission with its recommendations. Within
18 30 days thereafter, the commission shall file its final
19 plan with the secretary of state and it shall become law.
20 The commission is then dissolved."

21 "(4) The members of the unicameral legislature shall
22 remain in office and their authority to act shall continue
23 until the members of a bicameral body are elected and
24 qualified.

25 "(5) The Senate chamber existing upon the date of
26 adoption of this Article shall remain intact until the
27 election provided for in this section has determined whether
28 the unicameral legislature is to continue.

29 "(6) When the provisions of this section have been
30 carried out, it shall be of no further effect.

ARTICLE V

THE LEGISLATURE

Section 1. POWER AND STRUCTURE. The legislative power is vested in a legislature consisting of a senate and a house of representatives. The people reserve to themselves the powers of initiative and referendum.

Section 2. SIZE. The size of the legislature shall be provided by law, but the senate shall not have more than 50 or fewer than 40 members and the house shall not have more than 100 or fewer than 80 members.

Section 3. ELECTION AND TERMS. A member of the house of representatives shall be elected for a term of two years and a member of the senate for a term of four years each to begin on a date provided by law. One-half of the senators shall be elected every two years.

Section 4. QUALIFICATIONS. A candidate for the legislature shall be a resident of the state for at least one year next preceding the general election. For six months next preceding the general election, he shall be a resident of the county if it contains one or more districts or of the district if it contains all or parts of more than one county.

Section 5. COMPENSATION. Each member of the legislature shall receive compensation for his services and allowances provided by law. No legislature may fix its own compensation.

Section 6. SESSIONS. The legislature shall be a continuous body for two-year periods beginning when newly elected members take office. Any business, bill, or resolution pending at adjournment of a session shall carry

1 over with the same status to any other session of the legis-
2 lature during the biennium. The legislature shall meet at
3 least once a year in regular session of not more than 60
4 legislative days. Any legislature may increase the limit on
5 the length of any subsequent session. The legislature
6 may be convened in special sessions by the governor or
7 at the written request of a majority of the members.

8 Section 7. VACANCIES. A vacancy in the legislature
9 shall be filled by special election for the unexpired term
10 unless otherwise provided by law.

11 Section 8. IMMUNITY. A member of the legislature is
12 privileged from arrest during attendance at session of the
13 legislature and in going to and returning therefrom, unless
14 apprehended in the commission of a felony or a breach of
15 the peace. He shall not be questioned in any other place
16 for any speech or debate in the legislature.

17 Section 9. DISQUALIFICATION. No member of the legis-
18 lature shall, during the term for which he shall have been
19 elected, be appointed to any civil office under the state;
20 and no member of congress, or other person holding an
21 office (except notary public, or the militia) under the
22 United States or this state, shall be a member of the
23 legislature during his continuance in office.

24 Section 10. ORGANIZATION AND PROCEDURE. (1) Each
25 house shall judge the election and qualifications of its
26 members. It may be law vest in the courts the power to
27 try and determine contested elections. Each house shall
28 choose its officers from among its members, keep a
29 journal, and make rules for its proceedings. Each house
30 may expel or punish a member for good cause shown with

1 the concurrence of two-thirds of all its members.

2 (2) A majority of each house constitutes a quorum.
3 A smaller number may adjourn from day to day and compel
4 attendance of absent members.

5 (3) The sessions of the legislature and of the
6 committee of the whole, all committee meetings, and all
7 hearings shall be open to the public.

8 (4) The legislature may establish a legislative
9 council and other interim committees. The legislature
10 shall establish a legislative post-audit committee which
11 shall supervise post-auditing duties provided by law.

12 (5) Neither house shall, without the consent of the
13 other, adjourn or recess for more than three days or to
14 any place other than that in which the two houses are
15 sitting.

16 Section 11. BILLS. (1) A law shall be passed by
17 bill which shall not be so altered or amended on its
18 passage through the legislature as to change its original
19 purpose. No bill shall become law except by a vote of
20 the majority of all members present and voting.

21 (2) Every vote of each member of the legislature on
22 each substantive question in the legislature, in any com-
23 mittee, or in committee of the whole shall be recorded
24 and made public. On final passage, the vote shall be
25 taken by ayes and noes and the names entered on the
26 journal.

27 (3) Each bill, except general appropriation bills
28 and bills for the codification and general revision of
29 the laws, shall contain only one subject, clearly express-
30 ed in its title. If any subject is embraced in any act

1 and is not expressed in the title, only so much of the act
2 not so expressed is void.

3 (4) A general appropriation bill shall contain only
4 appropriations for the ordinary expenses of the legisla-
5 tive, executive, and judicial branches, for interest on
6 the public debt, and for public schools. Every other
7 appropriation shall be made by a separate bill, containing
8 but one subject.

9 (5) No appropriation shall be made for religious,
10 charitable, industrial, educational, or benevolent pur-
11 poses to any private individual, private association, or
12 private corporation not under control of the state.

13 (6) A law may be challenged on the ground of non-
14 compliance with this section only within two years after
15 its effective date.

16 Section 12. LOCAL AND SPECIAL LEGISLATION. The
17 legislature shall not pass a special or local act when a
18 general act is, or can be made, applicable.

19 Section 13. IMPEACHMENT. (1) The governor, execu-
20 tive officers, heads of state departments, judicial
21 officers, and such other officers as may be provided by
22 law are subject to impeachment, and upon conviction shall
23 be removed from office. Other proceedings for removal
24 from public office for cause may be provided by law.

25 (2) The legislature shall provide for the manner,
26 procedure, and causes for impeachment and may select the
27 senate as tribunal.

28 (3) Impeachment shall be brought only by a two-thirds
29 vote of the house. The tribunal hearing the charges shall
30 convict only by a vote of two-thirds or more of its members.

1 (4) Conviction shall extend only to removal from
2 office, but the party, whether convicted or acquitted, shall
3 also be liable to prosecution according to law.

4 Section 14. DISTRICTING AND APPORTIONMENT. (1) The
5 members of the house, and each district shall elect one
6 representative. Each senate district shall be composed of
7 two adjoining house districts, and shall elect one senator.
8 Each district shall consist of compact and contiguous terri-
9 tory. All districts shall be as nearly equal in population
10 as is practicable.

11 (2) In the legislative session following ratification
12 of this constitution and thereafter in each session preced-
13 ing each federal population census, a commission of five
14 citizens, none of whom may be public officials, shall be
15 selected to prepare a plan for redistricting and reapportion-
16 ing the state into legislative and congressional districts.
17 The majority and minority leaders of each house shall each
18 designate one commissioner. Within 20 days after their
19 designation, the four commissioners shall select the fifth
20 member, who shall serve as chairman of the commission. If
21 the four members fail to select the fifth member within the
22 time prescribed, a majority of the supreme court shall
23 select him.

24 (3) The commission shall submit its plan to the leg-
25 islature at the first regular session after its appointment
26 or after the census figures are available. Within 30 days
27 after submission, the legislature shall return the plan to
28 the commission with its recommendations. Within 30 days
29 thereafter, the commission shall file its final plan with
30 the secretary of state and it shall become law. The

1 commission is then dissolved.

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ARTICLE VI

THE EXECUTIVE

Section 1. OFFICERS. (1) The executive branch includes a governor, lieutenant governor, secretary of state, attorney general, superintendent of public instruction, and auditor.

(2) Each holds office for a term of four years which begins on the first Monday of January next succeeding election, and until a successor is elected and qualified.

(3) Each shall reside at the seat of government, there keep the public records of his office, and perform such other duties as are provided in this constitution and by law.

Section 2. ELECTION. (1) The governor, lieutenant governor, secretary of state, attorney general, superintendent of public instruction, and auditor shall be elected by the qualified electors at a general election provided by law.

(2) Each candidate for governor shall file jointly with a candidate for lieutenant governor in primary elections, or so otherwise comply with nomination procedures provided by law that the offices of governor and lieutenant governor are voted upon together in primary and general elections.

Section 3. QUALIFICATIONS. (1) No person shall be eligible to the office of governor, lieutenant governor, secretary of state, attorney general, superintendent of public instruction, or auditor unless he is 25 years of age or older at the time of his election. In addition, each shall be a citizen of the United States who has resided within the state two years next preceding his election.

(2) Any person with the foregoing qualifications is eligible to the office of attorney general if an attorney in

1 good standing admitted to practice law in Montana who has
2 engaged in the active practice thereof for at least five years
3 before election.

4 (3) The superintendent of public instruction shall have
5 such educational qualifications as are provided by law.

6 Section 4. DUTIES. (1) The executive power is vested
7 in the governor who shall see that the laws are faithfully
8 executed. He shall have such other duties as are provided
9 in this constitution and by law.

10 (2) The lieutenant governor shall perform the duties pro-
11 vided by law and those delegated to him by the governor. No
12 power specifically vested in the governor by this constitution
13 may be delegated to the lieutenant governor.

14 (3) The secretary of state shall maintain official records
15 of the executive branch and of the acts of the legislature,
16 as provided by law. He shall keep the great seal of the state
17 of Montana and perform any other duties provided by law.

18 (4) The attorney general is the legal officer of the state
19 and shall have the duties and powers provided by law.

20 (5) The superintendent of public instruction and the
21 auditor shall have such duties as are provided by law.

22 Section 5. COMPENSATION. (1) Officers of the executive
23 branch shall receive salaries provided by law.

24 (2) During his term, no elected officer of the executive
25 branch may hold another public office or receive compensa-
26 tion for services from any other governmental agency. He may
27 be a candidate for any public office during his term.

28 Section 6. VACANCY IN OFFICE. (1) If the office of
29 lieutenant governor becomes vacant by his succession to the
30 office of governor, or by his death, resignation, or disability

1 as determined by law, the governor shall appoint a qualified
2 person to serve in that office for the remainder of the term.
3 If both the elected governor and the elected lieutenant
4 governor become unable to serve in the office of governor,
5 succession to the respective offices shall be as provided by
6 law for the period until the next general election. Then,
7 a governor and lieutenant governor shall be elected to fill
8 the remainder of the original term.

9 (2) If the office of secretary of state, attorney general,
10 auditor, or superintendent of public instruction becomes vacant
11 by death, resignation, or disability as determined by law, the
12 governor shall appoint a qualified person to serve in that
13 office until the next general election and until a successor is
14 elected and qualified. The person elected to fill a vacancy
15 shall hold the office until the expiration of the term for which
16 his predecessor was elected.

17 Section 7. 20 DEPARTMENTS. All executive and adminis-
18 trative offices, boards, bureaus, commissions, agencies and
19 instrumentalities of the executive branch (except for the
20 office of governor, lieutenant governor, secretary of state,
21 attorney general, superintendent of public instruction, and
22 auditor) and their respective functions, powers, and duties,
23 shall be allocated by law among not more than 20 principal
24 departments so as to provide an orderly arrangement in the
25 administrative organization of state government. Temporary
26 commissions may be established by law and need not be
27 allocated within a department.

28 Section 8. APPOINTING POWER. (1) The departments pro-
29 vided for in section 7 shall be under the supervision of the
30 governor. Except as otherwise provided in this constitution

1 or by law, each department shall be headed by a single execu-
2 tive appointed by the governor subject to confirmation by the
3 senate to hold office until the end of the governor's term
4 unless sooner removed by the governor.

5 (2) The governor shall appoint, subject to confirmation
6 by the senate, all officers provided for in this constitution
7 or by law whose appointment or election is not otherwise pro-
8 vided for. They shall hold office until the end of the
9 governor's term unless sooner removed by the governor.

10 (3) If a vacancy occurs in any such office when the
11 legislature is not in session, the governor shall appoint a
12 qualified person to discharge the duties thereof until the
13 office is filled by appointment and confirmation.

14 (4) A person not confirmed by the senate for an office
15 shall not, except at its request, be nominated again for that
16 office at the same session, or be appointed to that office
17 when the legislature is not in session.

18 Section 9. BUDGET AND MESSAGES. The governor shall at
19 the beginning of each legislative session, and may at other
20 times, give the legislature information and recommend measures
21 he considers necessary. The governor shall submit to the
22 legislature at a time fixed by law, a budget for the ensuing
23 fiscal period setting forth in detail for all operating funds
24 the proposed expenditures and estimated revenue of the state.

25 Section 10. VETO POWER. (1) Each bill passed by the
26 legislature, except bills proposing amendments to the Montana
27 constitution, bills ratifying proposed amendments to the
28 United States constitution, resolutions, and initiative and
29 referendum measures, shall be submitted to the governor for
30 his signature. If he does not sign or veto the bill within

1 five days after its delivery to him if the legislature is in
2 session or within 25 days if the legislature is adjourned,
3 it shall become law. The governor shall return a vetoed bill
4 to the legislature with a statement of his reasons therefor.

5 (2) The governor may return any bill to the legislature
6 with his recommendation for amendment. If the legislature
7 passes the bill in accordance with the governor's recommendation,
8 it shall again return the bill to the governor for his recon-
9 sideration. The governor shall not return a bill for amendment
10 a second time.

11 (3) If after receipt of a veto message, two-thirds of
12 the members present approve the bill, it shall become law.

13 (4) If the legislature is not in session when the
14 governor vetoes a bill, he shall return the bill with his
15 reasons therefor to the legislature as provided by law. The
16 legislature may reconvene to reconsider any bill so vetoed.

17 (5) The governor may veto items in appropriation bills,
18 and in such instances the procedure shall be the same as upon
19 veto of an entire bill.

20 Section 11. SPECIAL SESSION. Whenever the governor
21 considers it in the public interest, he may convene the legis-
22 lature.

23 Section 12. PARDONS. The governor may grant reprieves,
24 commutations and pardons, restore citizenship, and suspend
25 and remit fines and forfeitures subject to procedures
26 provided by law.

27 Section 13. MILITIA. (1) The governor is commander-
28 in-chief of the militia forces of the state, except when they
29 are in the actual service of the United States. He may call
30 out any part or all of the forces to aid in the execution of

1 the laws, suppress insurrection, repel invasion, or protect
2 life and property in natural disasters.

3 (2) The militia forces shall consist of all able-bodied
4 citizens of the state except those exempted by law.

5 Section 14. SUCCESSION. (1) If the governor-elect is
6 disqualified or dies, the lieutenant governor-elect upon
7 qualifying for the office shall become governor for the full
8 term. If the governor-elect fails to assume office for any
9 other reason, the lieutenant governor-elect upon qualifying
10 as such shall serve as acting governor until the governor-
11 elect is able to assume office, or until the office becomes
12 vacant.

13 (2) The lieutenant governor shall serve as acting
14 governor when so requested in writing by the governor. After
15 the governor has been absent from the state for more than 45
16 consecutive days, the lieutenant governor shall serve as
17 acting governor.

18 (3) He shall serve as acting governor when the
19 governor is so disabled as to be unable to communicate to
20 the lieutenant governor the fact of his inability to perform
21 the duties of his office. The lieutenant governor shall
22 continue to serve as acting governor until the governor is
23 able to resume the duties of his office.

24 (4) Whenever, at any other time, the lieutenant governor
25 and attorney general transmit to the legislature their
26 written declaration that the governor is unable to discharge
27 the powers and duties of his office, the legislature shall
28 convene to determine whether he is able to do so.

29 (5) If the legislature, within 21 days after convening,
30 determines by two-thirds vote of its members that the

1 governor is unable to discharge the powers and duties of
2 his office, the lieutenant governor shall serve as acting
3 governor. Thereafter, when the governor transmits to the
4 legislature his written declaration that no inability exists,
5 he shall resume the powers and duties of his office within 15
6 days, unless the legislature determines otherwise by two-
7 thirds vote of its members. If the legislature so determines,
8 the lieutenant governor shall continue to serve as acting
9 governor.

10 (6) If the office of governor becomes vacant by reason
11 of death, resignation, or disqualification, the lieutenant
12 governor shall become governor for the remainder of the term,
13 except as provided in this constitution.

14 (7) Additional succession to fill vacancies shall be
15 provided by law.

16 (8) When there is a vacancy in the office of governor,
17 the successor shall be the governor. The acting governor
18 shall have the powers and duties of the office of governor
19 only for the period during which he serves.

20 Section 15. INFORMATION FOR GOVERNOR. (1) The governor
21 may require information in writing, under oath when required,
22 from the officers of the executive branch upon any subject
23 relating to the duties of their respective offices.

24 (2) He may require information in writing, under oath,
25 from all officers and managers of state institutions.

26 (3) He may appoint a committee to investigate and
27 report to him upon the condition of any executive office
28 or state institution.
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1 ARTICLE VII

2 THE JUDICIARY

3 Section 1. JUDICIAL POWER. The judicial power of the
4 state is vested in one supreme court, district courts,
5 justice courts, and such other courts as may be provided
6 by law.

7 Section 2. SUPREME COURT JURISDICTION. (1) The
8 supreme court has appellate jurisdiction and may issue,
9 hear, and determine writs appropriate thereto. It has
10 original jurisdiction to issue, hear, and determine writs
11 of habeas corpus and such other writs as may be provided
12 by law.

13 (2) It has general supervisory control over all other
14 courts.

15 (3) It may make rules governing appellate procedure,
16 practice and procedure for all other courts, admission to
17 the bar and the conduct of its members. Rules of procedure
18 shall be subject to disapproval by the legislature in either
19 of the two sessions following promulgation.

20 (4) Supreme court process shall extend to all parts of
21 the state.

22 Section 3. SUPREME COURT ORGANIZATION. (1) The supreme
23 court consists of one chief justice and four justices, but the
24 legislature may increase the number of justices from four to
25 six. A majority shall join in and pronounce decisions, which
26 must be in writing.

27 (2) A district judge shall be substituted for the chief
28 justice or a justice in the event of disqualification or
29 disability, and the opinion of the district judge sitting
30 with the supreme court shall have the same effect as an

1 opinion of a justice.

2 Section 4. DISTRICT COURT JURISDICTION. (1) The
3 district court has original jurisdiction in all criminal
4 cases amounting to felony and all civil matters and cases
5 at law and in equity. It may issue all writs appropriate
6 to its jurisdiction. It shall have the power of natural-
7 ization and such additional jurisdiction as may be dele-
8 gated by the laws of the United States or the state of
9 Montana. Its process shall extend to all parts of the
10 state.

11 (2) The district court shall hear appeals from inferior
12 courts as trials anew unless otherwise provided by law. The
13 legislature may provide for direct review by the district
14 court of decisions of administrative agencies.

15 (3) Other courts may have jurisdiction of criminal
16 cases not amounting to felony and such jurisdiction con-
17 current with that of the district court as may be provided
18 by law.

19 Section 5. JUSTICES OF THE PEACE. (1) There shall be
20 elected in each county at least one justice of the peace
21 with qualifications, training, and monthly compensation
22 provided by law. There shall be provided such facilities
23 that they may perform their duties in dignified surroundings.

24 (2) Justice courts shall have such original jurisdic-
25 tion as may be provided by law. They shall not have trial
26 jurisdiction in any criminal case designated a felony except
27 as examining courts.

28 (3) The legislature may provide for additional justices
29 of the peace in each county.

30 Section 6. JUDICIAL DISTRICTS. (1) The legislature

1 shall divide the state into judicial districts and provide
2 for the number of judges in each district. Each district shall
3 be formed of compact territory and be bounded by county lines.

4 (2) The legislature may change the number and boundaries
5 of judicial districts and the number of judges in each dis-
6 trict, but no change in boundaries or the number of districts
7 or judges therein shall work a removal of any judge from
8 office during the term for which he was elected or appointed.

9 (3) The chief justice may, upon request of the district
10 judge, assign district judges and other judges for temporary
11 service from one district to another, and from one county to
12 another.

13 Section 7. TERMS AND PAY. (1) All justices and judges
14 shall be paid as provided by law, but salaries shall not be
15 diminished during terms of office.

16 (2) Terms of office shall be eight years for supreme
17 court justices, six years for district court judges, four
18 years for justices of the peace, and as provided by law
19 for other judges.

20 Section 8. SELECTION. (1) The governor shall nominate
21 a replacement from nominees selected in the manner provided
22 by law for any vacancy in the office of supreme court justice
23 or district court judge. If the governor fails to nominate
24 within thirty days after receipt of nominees, the chief
25 justice or acting chief justice shall make the nomination.
26 Each nomination shall be confirmed by the senate, but a
27 nomination made while the senate is not in session shall be
28 effective as an appointment until the end of the next
29 session. If the nomination is not confirmed, the office
30 shall be vacant and another selection and nomination shall

1 be made.

2 (2) If, at the first election after senate con-
3 firmation, and at the election before each succeeding
4 term of office, any candidate other than the incumbent
5 justice or district judge files for election to that
6 office, the name of the incumbent shall be placed on
7 the ballot. If there is no election contest for the
8 office, the name of the incumbent shall nevertheless
9 be placed on the general election ballot to allow
10 voters of the state or district to approve or reject
11 him. If an incumbent is rejected, another selection
12 and nomination shall be made.

13 (3) If an incumbent does not run, there shall be
14 an election for the office.

15 Section 9. QUALIFICATIONS. (1) A citizen of the
16 United States who has resided in the state two years
17 immediately before taking office is eligible to the office
18 of supreme court justice or district court judge if admitted
19 to the practice of law in Montana for at least five years prior
20 to the date of appointment or election. Qualifications and
21 methods of selection of judges of other courts shall be
22 provided by law.

23 (2) No supreme court justice or district court judge
24 shall solicit or receive compensation in any form whatever on
25 account of his office, except salary and actual necessary
26 travel expense.

27 (3) Except as otherwise provided in this constitution,
28 no supreme court justice or district court judge shall
29 practice law during his term of office, engage in any other
30 employment for which salary or fee is paid, or hold office

1 in a political party.

2 (4) Supreme court justices shall reside within the
3 state. Every other judge shall reside during his term of
4 office in the district, county, township, precinct, city
5 or town in which he is elected or appointed.

6 Section 10. FORFEITURE OF JUDICIAL POSITION. Any
7 holder of a judicial position forfeits that position by
8 either filing for an elective public office other than a
9 judicial position or absenting himself from the state for
10 more than 60 consecutive days.

11 Section 11. REMOVAL AND DISCIPLINE. (1) The legis-
12 lature shall create a judicial standards commission con-
13 sisting of five persons and provide for the appointment
14 thereto of two district judges, one attorney, and two
15 citizens who are neither judges nor attorneys.

16 (2) The commission shall investigate complaints,
17 make rules implementing this section, and keep its proceed-
18 ings confidential. It may subpoena witnesses and documents.

19 (3) Upon recommendation of the commission, the supreme
20 court may:

21 (a) Retire any justice or judge for disability that
22 seriously interferes with the performance of his duties and
23 is or may become permanent; or

24 (b) Censure, suspend, or remove any justice or judge
25 for willful misconduct in office, willful and persistent
26 failure to perform his duties, or habitual intemperance.

ARTICLE VIII

REVENUE AND FINANCE

Section 1. TAX PURPOSES. Taxes shall be levied by general laws for public purposes.

Section 2. TAX POWER INALIENABLE. The power to tax shall never be surrendered, suspended, or contracted away.

Section 3. PROPERTY TAX ADMINISTRATION. The state shall appraise, assess, and equalize the valuation of all property which is to be taxed in the manner provided by law.

Section 4. EQUAL VALUATION. All taxing jurisdictions shall use the assessed valuation of property established by the state.

Section 5. PROPERTY TAX EXEMPTIONS. (1) The legislature may exempt from taxation:

(a) Property of the United States, the state, counties, cities, towns, school districts, municipal corporations, and public libraries, but any private interest in such property may be taxed separately.

(b) Institutions of purely public charity, hospitals and places of burial not used or held for private or corporate profit, places for actual religious worship, and property used exclusively for educational purposes.

(c) Any other classes of property.

(2) The legislature may authorize creation of special improvement districts for capital improvements and the maintenance thereof. It may authorize the assessment of charges for such improvements and maintenance against tax exempt property directly benefited thereby.

Section 6. HIGHWAY REVENUE NON-DIVERSION. (1) Revenue from gross vehicle weight fees and excise and license taxes

1 (except general sales and use taxes) on gasoline, fuel, and
2 other energy sources used to propel vehicles on public high-
3 ways shall be used as authorized by the legislature, after
4 deduction of statutory refunds and adjustments, solely for:

5 (a) Payment of obligations incurred for construction,
6 reconstruction, repair, operation, and maintenance of public
7 highways, streets, roads, and bridges.

8 (b) Payment of county, city, and town obligations on
9 streets, roads, and bridges.

10 (c) Enforcement of highway safety, driver education,
11 tourist promotion, and administrative collection costs.

12 (2) Such revenue may be appropriated for other purposes
13 by a three-fifths vote of the members of each house of the
14 legislature.

15 Section 7. TAX APPEALS. The legislature shall provide
16 independent appeal procedures for taxpayer grievances about
17 appraisals, assessments, equalization, and taxes. The legis-
18 lature shall include a review procedure at the local govern-
19 ment unit level.

20 Section 8. STATE DEBT. No state debt shall be created
21 unless authorized by a two-thirds vote of the members of each
22 house of the legislature or a majority of the electors voting
23 thereon. No state debt shall be created to cover deficits
24 incurred because appropriations exceeded anticipated revenue.

25 Section 9. BALANCED BUDGET. Appropriations by the
26 legislature shall not exceed anticipated revenue.

27 Section 10. LOCAL GOVERNMENT DEBT. The legislature
28 shall by law limit debts of counties, cities, towns, and all
29 other local governmental entities.

30 Section 11. USE OF LOAN PROCEEDS. All money borrowed

1 by or on behalf of the state or any county, city, town, or
2 other local governmental entity shall be used only for pur-
3 poses specified in the authorizing law.

4 Section 12. STRICT ACCOUNTABILITY. The legislature
5 shall by law insure strict accountability of all revenue
6 received and money spent by the state and counties, cities,
7 towns, and all other local governmental entities.

8 Section 13. INVESTMENT OF PUBLIC FUNDS. (1) The
9 legislature shall provide for a unified investment program
10 for public funds and provide rules therefor, including
11 supervision of investment of surplus funds of all counties,
12 cities, towns, and other local governmental entities. Each
13 fund forming a part of the unified investment program shall
14 be separately identified. Except for monies contributed to
15 retirement funds, no public funds shall be invested in pri-
16 vate corporate capital stock. The investment program shall
17 be audited at least annually and a report thereof submitted
18 to the governor and legislature.

19 (2) The public school fund and the permanent funds of
20 the Montana university system and all other state institu-
21 tions of learning shall be safely and conservatively invested
22 in:

23 (a) Public securities of the state, its subdivisions,
24 local government units, and districts within the state, or

25 (b) Bonds of the United States or other securities
26 fully guaranteed as to principal and interest by the United
27 States, or

28 (c) Such other safe investments bearing a fixed rate of
29 interest as may be provided by law.

30 Section 14. PROHIBITED PAYMENTS. Except for interest

1 on the public debt, no money shall be paid out of the
2 treasury unless upon an appropriation made by law and a
3 warrant drawn by the proper officer in pursuance thereof.
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1 ARTICLE IX

2 ENVIRONMENT AND NATURAL RESOURCES

3 Section 1. PROTECTION AND IMPROVEMENT. (1) The state
4 and each person shall maintain and improve a clean and health-
5 ful environment in Montana for present and future generations.

6 (2) The legislature shall provide for the administration
7 and enforcement of this duty.

8 (3) The legislature shall provide adequate remedies for
9 the protection of the environmental life support system from
10 degradation and provide adequate remedies to prevent unreason-
11 able depletion and degradation of natural resources.

12 Section 2. RECLAMATION. All lands disturbed by the
13 taking of natural resources shall be reclaimed. The legisla-
14 ture shall provide effective requirements and standards for
15 the reclamation of lands disturbed.

16 Section 3. WATER RIGHTS. (1) All existing rights to
17 the use of any waters for any useful or beneficial purpose
18 are hereby recognized and confirmed.

19 (2) The use of all water that is now or may hereafter
20 be appropriated for sale, rent, distribution, or other
21 beneficial use, the right of way over the lands of others
22 for all ditches, drains, flumes, canals, and aqueducts
23 necessarily used in connection therewith, and the sites for
24 reservoirs necessary for collecting and storing water shall
25 be held to be a public use.

26 (3) All surface, underground, flood, and atmospheric
27 waters within the boundaries of the state are the property
28 of the state for the use of its people and are subject to
29 appropriation for beneficial uses as provided by law.

30 (4) The legislature shall provide for the administra-

1 tion, control, and regulation of water rights and shall
2 establish a system of centralized records, in addition to
3 the present system of local records.

4 Section 4. CULTURAL RESOURCES. The legislature shall
5 provide for the identification, acquisition, restoration,
6 enhancement, preservation, and administration of scenic,
7 historic, archeologic, scientific, cultural, and recreational
8 areas, sites, records and objects, and for their use and
9 enjoyment by the people.

ARTICLE X

EDUCATION AND PUBLIC LANDS

Section 1. EDUCATIONAL GOALS AND DUTIES. (1) It is the goal of the people to establish a system of education which will develop the full educational potential of each person. Equality of educational opportunity is guaranteed to each person of the state.

(2) The state recognizes the distinct and unique cultural heritage of the American Indians and is committed in its educational goals to the preservation of their cultural integrity.

(3) The legislature shall provide a basic system of free quality public elementary and secondary schools. The legislature may provide such other educational institutions, public libraries, and educational programs as it deems desirable. It shall fund and distribute in an equitable manner to the school districts the state's share of the cost of the basic elementary and secondary school system.

Section 2. PUBLIC SCHOOL FUND. The public school fund of the state shall consist of: (1) Proceeds from the school lands which have been or may hereafter be granted by the United States,

(2) Lands granted in lieu thereof,

(3) Lands given or granted by any person or corporation under any law or grant of the United States,

(4) All other grants of land or money made from the United States for general educational purposes or without special purpose,

(5) All interests in estates that escheat to the state,

1 (6) All unclaimed shares and dividends of any corporation
2 incorporated in the state,

3 (7) All other grants, gifts, devises or bequests made
4 to the state for general educational purposes.

5 Section 3. PUBLIC SCHOOL FUND INVIOLEATE. The public
6 school fund shall forever remain inviolate, guaranteed by
7 the state against loss or diversion.

8 Section 4. BOARD OF LAND COMMISSIONERS. The governor,
9 superintendent of public instruction, auditor, secretary of
10 state, and attorney general constitute the board of land
11 commissioners. It has the authority to direct, control, lease,
12 exchange, and sell school lands and lands which have been or
13 may be granted for the support and benefit of the various state
14 educational institutions, under such regulations and restrictions
15 as may be provided by law.

16 Section 5. PUBLIC SCHOOL FUND REVENUE. (1) Ninety-
17 five percent of all the interest received on the public
18 school fund and ninety-five percent of all rent received
19 from the leasing of school lands and all other income from
20 the public school fund shall be equitably apportioned
21 annually to public elementary and secondary school districts
22 as provided by law.

23 (2) The remaining five percent of all interest
24 received on the public school fund, and the remaining
25 five percent of all rent received from the leasing of
26 school lands and all other income from the public school
27 fund shall annually be added to the public school fund and
28 become and forever remain an inseparable and inviolable part
29 thereof.

30 Section 6. AID PROHIBITED TO SECTARIAN SCHOOLS. (1)

1 The legislature, counties, cities, towns, school districts,
2 and public corporations shall not make any direct or indirect
3 appropriation or payment from any public fund or monies, or
4 any grant of lands or other property for any sectarian pur-
5 pose or to aid any church, school, academy, seminary, college,
6 university, or other literary or scientific institution,
7 controlled in whole or in part by any church, sect, or
8 denomination.

9 (2) This section shall not apply to funds from federal
10 sources provided to the state for the express purpose of
11 distribution to non-public education.

12 Section 7. NON-DISCRIMINATION IN EDUCATION. No
13 religious or partisan test or qualification shall be
14 required of any teacher or student as a condition of
15 admission into any public educational institution. Atten-
16 dance shall not be required at any religious service. No
17 sectarian tenets shall be advocated in any public educational
18 institution of the state. No person shall be refused admission
19 to any public educational institution on account of sex,
20 race, creed, religion, political beliefs, or national
21 origin.

22 Section 8. SCHOOL DISTRICT TRUSTEES. The supervision
23 and control of schools in each school district shall be
24 vested in a board of trustees to be elected as provided by law.

25 Section 9. BOARDS OF EDUCATION. (1) There is a
26 state board of education composed of the board of regents of
27 higher education and the board of public education.
28 It is responsible for long-range planning, and for coordinating
29 and evaluating policies and programs for the state's educa-
30 tional systems. It shall submit unified budget requests. A

1 tie vote at any meeting may be broken by the governor, who is
2 an ex officio member of each component board.

3 (2) (a) The government and control of the Montana
4 university system is vested in a board of regents of higher
5 education which shall have full power, responsibility, and
6 authority to supervise, coordinate, manage and control the
7 Montana university system and shall supervise and coordinate
8 other public educational institutions assigned by law.

9 (b) The board consists of seven members appointed by
10 the governor, and confirmed by the senate, to overlapping
11 terms, as provided by law. The governor and superintendent
12 of public instruction are ex officio non-voting members of
13 the board.

14 (c) The board shall appoint a commissioner of higher
15 education and prescribe his term and duties.

16 (d) The funds and appropriations under the control of
17 the board of regents are subject to the same audit provisions
18 as are all other state funds.

19 (3) (a) There is a board of public education to
20 exercise general supervision over the public school system
21 and such other public educational institutions as may be
22 assigned by law. Other duties of the board shall be
23 provided by law.

24 (b) The board consists of seven members appointed by
25 the governor, and confirmed by the senate, to overlapping
26 terms as provided by law. The governor, commissioner of
27 higher education and state superintendent of public instruction
28 shall be ex officio non-voting members of the board.

29 Section 10. STATE UNIVERSITY FUNDS. The funds of
30 the Montana university system and of all other state

1 institutions of learning, from whatever source accruing,
2 shall forever remain inviolate and sacred to the purpose
3 for which they were dedicated. The various funds shall be
4 respectively invested under such regulations as may be
5 provided by law, and shall be guaranteed by the state
6 against loss or diversion. The interest from such invested
7 funds, together with the rent from leased lands or properties,
8 shall be devoted to the maintenance and perpetuation of the
9 respective institutions.

10 Section 11. PUBLIC LAND TRUST, DISPOSITION. (1) All
11 lands of the state that have been or may be granted by
12 congress, or acquired by gift or grant or devise from any
13 person or corporation, shall be public lands of the state.
14 They shall be held in trust for the people, to be disposed
15 of as hereafter provided, for the respective purposes for
16 which they have been or may be granted, donated or devised.

17 (2) No such land or any estate or interest therein
18 shall ever be disposed of except in pursuance of general
19 laws providing for such disposition, or until the full
20 market value of the estate or interest disposed of, to be
21 ascertained in such manner as may be provided by law, has
22 been paid or safely secured to the state.

23 (3) No land which the state holds by grant from the
24 United States which prescribes the manner of disposal and
25 minimum price shall be disposed of except in the manner and
26 for at least the price prescribed without the consent of the
27 United States.

28 (4) All public land shall be classified by the board
29 of land commissioners in a manner provided by law. Any
30 public land may be exchanged for other land, public or

1 private, which is equal in value and, as closely as
2 possible, equal in area.

1 ARTICLE XI

2 LOCAL GOVERNMENT

3 Section 1. DEFINITION. The term "local government
4 units" includes, but is not limited to, counties and
5 incorporated cities and towns. Other local government
6 units may be established by law.

7 Section 2. COUNTIES. The counties of the state are
8 those that exist on the date of ratification of this con-
9 stitution. No county boundary may be changed or county
10 seat transferred until approved by a majority of those
11 voting on the question in each county affected.

12 Section 3. FORMS OF GOVERNMENT. (1) The legislature
13 shall provide methods for governing local government units
14 and procedures for incorporating, classifying, merging,
15 consolidating, and dissolving such units, and altering
16 their boundaries. The legislature shall provide such optional
17 or alternative forms of government that each unit or combina-
18 tion of units may adopt, amend, or abandon an optional or
19 alternative form by a majority of those voting on the
20 question.

21 (2) One optional form of county government includes, but
22 is not limited to, the election of three county commis-
23 sioners, a clerk and recorder, a clerk of district court,
24 a county attorney, a sheriff, a treasurer, a surveyor,
25 a county superintendent of schools, an assessor, a coroner,
26 and a public administrator. The terms, qualifications, duties,
27 and compensation of those offices shall be provided by
28 law. The Board of county commissioners may consolidate
29 two or more such offices. The Boards of two or more
30 counties may provide for a joint office and for the

1 election of one official to perform the duties of any
2 such office in those counties.

3 Section 4. GENERAL POWERS. (1) A local government
4 unit without self-government powers has the following
5 general powers:

6 (a) An incorporated city or town has the powers of
7 a municipal corporation and legislative, administrative,
8 and other powers provided or implied by law.

9 (b) A county has legislative, administrative, and
10 other powers provided or implied by law.

11 (c) Other local government units have powers pro-
12 vided by law.

13 (2) The powers of incorporated cities and towns and
14 counties shall be liberally construed.

15 Section 5. SELF-GOVERNMENT CHARTERS. (1) The legis-
16 lature shall provide procedures permitting a local govern-
17 ment unit or combination of units to frame, adopt, amend,
18 revise, or abandon a self-government charter with the
19 approval of a majority of those voting on the question.
20 The procedures shall not require approval of a charter by
21 a legislative body.

22 (2) If the legislature does not provide such pro-
23 cedures by July 1, 1975, they may be established by election
24 either:

25 (a) Initiated by petition in the local government unit
26 or combination of units; or

27 (b) Called by the governing body of the local govern-
28 ment unit or combination of units.

29 (3) Charter provisions establishing executive, legis-
30 lative, and administrative structure and organization are

1 superior to statutory provisions.

2 Section 6. SELF-GOVERNMENT POWERS. A local government
3 unit adopting a self-government charter may exercise any
4 power not prohibited by this constitution, law, or charter.
5 This grant of self-government powers may be extended to
6 other local government units through optional forms of
7 government provided for in section 3.

8 Section 7. INTERGOVERNMENTAL COOPERATION. (1) Unless
9 prohibited by law or charter, a local government unit may

10 (a) cooperate in the exercise of any function, power,
11 or responsibility with,

12 (b) share the services of any officer or facilities
13 with,

14 (c) transfer or delegate any function, power, responsi-
15 bility, or duty of any officer to

16 one or more other local government units, school districts,
17 the state, or the United States.

18 (2) The qualified electors of a local government unit
19 may, by initiative or referendum, require it to do so.

20 Section 8. INITIATIVE AND REFERENDUM. The legislature
21 shall extend the initiative and referendum powers reserved to
22 the people by the constitution to the qualified electors of
23 each local government unit.

24 Section 9. VOTER REVIEW OF LOCAL GOVERNMENT. (1) The
25 legislature shall, within four years of the ratification of
26 this constitution, provide procedures requiring each local
27 government unit or combination of units to review its
28 structure and submit one alternative form of government
29 to the qualified electors at the next general or special
30 election.

1 (2) The legislature shall require a review
2 procedure once every ten years after the first election.
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ARTICLE XII

DEPARTMENTS AND INSTITUTIONS

Section 1. AGRICULTURE. (1) The legislature shall provide for a Department of Agriculture and enact laws and provide appropriations to protect, enhance, and develop all agriculture.

(2) Special levies may be made on livestock and on agricultural commodities for disease control and indemnification, predator control, and livestock and commodity inspection, protection, research, and promotion. Revenue derived shall be used solely for the purposes of the levies.

Section 2. LABOR. (1) The legislature shall provide for a Department of Labor and Industry, headed by a Commissioner appointed by the governor and confirmed by the senate.

(2) A maximum period of 8 hours is a regular day's work in all industries and employment except agriculture and stock raising. The legislature may change this maximum period to promote the general welfare.

Section 3. INSTITUTIONS AND ASSISTANCE. (1) The state shall establish and support institutions and facilities as the public good may require, including homes which may be necessary and desirable for the care of veterans.

(2) Persons committed to any such institutions shall retain all rights except those necessarily suspended as a condition of commitment. Suspended rights are restored upon termination of the state's responsibility.

(3) The legislature shall provide such economic assistance and social and rehabilitative services as may

1 be necessary for those inhabitants who, by reason of
2 age, infirmities, or misfortune may have need for the
3 aid of society.

1 ARTICLE XIII

2 GENERAL PROVISIONS

3 Section 1. NON-MUNICIPAL CORPORATIONS. (1) Cor-
4 porate charters shall be granted, modified, or dissolved
5 only pursuant to general law.

6 (2) The legislature shall provide protection and
7 education for the people against harmful and unfair
8 practices by either foreign or domestic corporations,
9 individuals, or associations.

10 (3) The legislature shall pass no law retrospective
11 in its operations which imposes on the people a new
12 liability in respect to transactions or considerations
13 already passed.

14 Section 2. CONSUMER COUNSEL. The legislature shall
15 provide for an office of consumer counsel which shall have
16 the duty of representing consumer interests in hearings
17 before the public service commission or any other
18 successor agency. The legislature shall provide for the
19 funding of the office of consumer counsel by a special
20 tax on the net income or gross revenues of regulated
21 companies.

22 Section 3. SALARY COMMISSION. The legislature shall
23 create a salary commission to recommend compensation for
24 the judiciary and elected members of the legislative and
25 executive branches.

26 Section 4. CODE OF ETHICS. The legislature shall
27 provide a code of ethics prohibiting conflict between
28 public duty and private interest for members of the
29 legislature and all state and local officers and employees.

30 Section 5. EXEMPTION LAWS. The legislature shall

1 enact liberal homestead and exemption laws.

2 Section 6. PERPETUITIES. No perpetuities shall be
3 allowed except for charitable purposes.

ARTICLE XIV

CONSTITUTIONAL REVISION

Section 1. CONSTITUTIONAL CONVENTION. The legislature, by an affirmative vote of two-thirds of all the members, whether one or more bodies, may at any time submit to the qualified electors the question of whether there shall be an unlimited convention to revise, alter, or amend this constitution.

Section 2. INITIATIVE FOR CONSTITUTIONAL CONVENTION.

(1) The people may by initiative petition direct the secretary of state to submit to the qualified electors the question of whether there shall be an unlimited convention to revise, alter, or amend this constitution. The petition shall be signed by at least ten percent of the qualified electors of the state. That number shall include at least ten percent of the qualified electors in each of two-fifths of the legislative districts.

(2) The secretary of state shall certify the filing of the petition in his office and cause the question to be submitted at the next general election.

Section 3. PERIODIC SUBMISSION. If the question of holding a convention is not otherwise submitted during any period of 20 years, it shall be submitted as provided by law at the general election in the twentieth year following the last submission.

Section 4. CALL OF CONVENTION. If a majority of those voting on the question answer in the affirmative, the legislature shall provide for the calling thereof at its next session. The number of delegates to the convention shall be the same as that of the larger body of the

1 legislature. The qualifications of delegates shall be the
2 same as the highest qualifications required for election to
3 the legislature. The legislature shall determine whether
4 the delegates may be nominated on a partisan or a non-
5 partisan basis. They shall be elected at the same places
6 and in the same districts as are the members of the
7 legislative body determining the number of delegates.

8 Section 5. CONVENTION EXPENSES. The legislature shall,
9 in the act calling the convention, designate the day, hour,
10 and place of its meeting, and fix and provide for the pay
11 of its members and officers and the necessary expenses of
12 the convention.

13 Section 6. OATH, VACANCIES. Before proceeding, the
14 delegates shall take the oath provided in this constitution.
15 Vacancies occurring shall be filled in the manner provided
16 for filling vacancies in the legislature if not otherwise
17 provided by law.

18 Section 7. CONVENTION DUTIES. The convention shall
19 meet after the election of the delegates and prepare such
20 revisions, alterations, or amendments to the constitution
21 as may be deemed necessary. They shall be submitted to
22 the qualified electors for ratification or rejection as a
23 whole or in separate articles or amendments as determined
24 by the convention at an election appointed by the convention
25 for that purpose not less than two months after adjournment.
26 Unless so submitted and approved by a majority of the
27 electors voting thereon, no such revision, alteration,
28 or amendment shall take effect.

29 Section 8. AMENDMENT BY LEGISLATIVE REFERENDUM.
30 Amendments to this constitution may be proposed by any

1 member of the legislature. If adopted by an affirmative
2 roll call vote of two-thirds of all the members thereof,
3 whether one or more bodies, the proposed amendment shall
4 be submitted to the qualified electors at the next general
5 election. If approved by a majority of the electors voting
6 thereon, the amendment shall become a part of this
7 constitution on the first day of July after certification
8 of the election returns unless the amendment provides
9 otherwise.

10 Section 9. AMENDMENT BY INITIATIVE. (1) The people
11 may also propose constitutional amendments by initiative.
12 Petitions including the full text of the proposed amendment
13 shall be signed by at least ten percent of the qualified
14 electors of the state. That number shall include at
15 least ten percent of the qualified electors in each of
16 two-fifths of the legislative districts.

17 (2) The petitions shall be filed with the secretary
18 of state. If the petitions are found to have
19 been signed by the required number of electors, the secretary
20 of state shall cause the amendment to be published as
21 provided by law twice each month for two months previous
22 to the next regular state-wide election.

23 (3) At that election, the proposed amendment shall
24 be submitted to the qualified electors for approval or
25 rejection. If approved by a majority voting thereon, it
26 shall become a part of the constitution effective the
27 first day of July following its approval, unless the
28 amendment provides otherwise.

29 Section 10. PETITION SIGNERS. The number of
30 qualified electors required for the filing of any petition

1 provided for in this Article shall be determined by the
2 number of votes cast for the office of governor in the
3 preceding general election.

4 Section 11. SUBMISSION. If more than one amendment
5 is submitted at the same election, each shall be so pre-
6 pared and distinguished that it can be voted upon separately.

ADOPTION SCHEDULE

These Schedule provisions are part of this Constitution only for the limited purposes of determining whether this Constitution has been adopted, determining what changes result from the vote on each of the separately submitted issues, and establishing the general effective date of this Constitution. No provision of this Schedule shall be published unless it becomes part of the Constitution as the result of the adoption of a separately submitted provision.

Section 1. This Constitution, if approved by the electors as provided by the Constitution of 1889, shall take effect on July 1, 1973, except as otherwise provided in sections 1 and 2 of the Transition Schedule. The Constitution of 1889, as amended, shall thereafter be of no effect.

Section 2. (1) If separate issue 2A concerning the unicameral form of the legislature is approved by the electors and if the proposed Constitution is approved by the electors, then:

(a) There shall be deleted from ARTICLE V, THE LEGISLATURE, that portion which concerns the bicameral form.

(b) The words "of each house" are deleted from subsection (2) of section 6 and from section 8, ARTICLE VIII, REVENUE AND FINANCE.

(c) The word "legislature" is substituted for "senate" in subsections (1), (2), and (4) of section 8, ARTICLE VI, THE EXECUTIVE, and in subsections (1) and (2) of section 8, ARTICLE VII, THE JUDICIARY.

(2) If separate issue 2B concerning the bicameral form of the legislature is approved by the electors and if the

proposed Constitution is approved by the electors, then there shall be deleted from ARTICLE V, THE LEGISLATURE, that portion which concerns the unicameral form.

Section 3. If separate issue 3A is approved by the electors and if the proposed Constitution is approved by the electors, then there shall be added to section 28, ARTICLE II, DECLARATION OF RIGHTS, the following sentence: "Death shall not be prescribed as a penalty for any crime against the state." And there shall be deleted from section 21 of the same ARTICLE the following: ", except for capital offenses, when the proof is evident or the presumption great"

Section 4. (1) If separate issue 4A is approved by the electors and if the proposed Constitution is approved by the electors, then there shall be deleted from ARTICLE III, GENERAL GOVERNMENT: "Section 10. GAMBLING. All forms of gambling, lotteries, and gift enterprises are prohibited."

(2) If separate issue 4B is approved by the electors and if the proposed Constitution is approved by the electors, then there shall be deleted from ARTICLE III, GENERAL GOVERNMENT: "Section 10. GAMBLING. All forms of gambling, lotteries, and gift enterprises are prohibited unless authorized by acts of the legislature or by the people through initiative or referendum."

TRANSITION SCHEDULE

The following provisions shall remain part of this Constitution until their terms have been executed. Once each year the attorney general shall review the following provisions and certify to the secretary of state which, if any, have been executed. Any provisions so certified shall thereafter be removed from this Schedule and no longer published as part of this Constitution.

Section 1. Accelerated Effective Date

Section 2. Delayed Effective Date

Section 3. Prospective Operation of Declaration of Rights

Section 4. Terms of Judiciary

Section 5. Terms of Legislators

Section 6. General Transition

Section 1. ACCELERATED EFFECTIVE DATE. Section 14 (DISTRICTING AND APPORTIONMENT) of Article V, THE LEGISLATURE, shall be effective January 1, 1973.

Section 2. DELAYED EFFECTIVE DATE. The provisions of sections 1, 2, and 3 of ARTICLE V, LEGISLATURE, shall not become effective until the date the first redistricting and reapportionment plan becomes law.

Section 3. PROSPECTIVE OPERATION OF DECLARATION OF RIGHTS. Any rights, procedural or substantive, created for the first time by Article II shall be prospective and not retroactive.

Section 4. TERMS OF JUDICIARY. Supreme court justices, district court judges, and justices of the peace holding office when this Constitution becomes effective shall serve the terms for which they were elected or appointed.

Section 5. TERMS OF LEGISLATORS. (1) The terms of all

legislature elected before the effective date of this Constitution shall end on December 31 of the year in which the first redistricting and reapportionment plan becomes law.

(2) The senators first elected under this Constitution shall draw lots to establish a term of two years for one-half of their number.

Section 6. GENERAL TRANSITION. (1) The rights and duties of all public bodies shall remain as if this Constitution had not been adopted with the exception of such changes as are contained in this Constitution. All laws, ordinances, regulations, and rules of court not contrary to, or inconsistent with, the provisions of this Constitution shall remain in force, until they shall expire by their own limitation or shall be altered or repealed pursuant to this Constitution.

(2) The validity of all public and private bonds, debts, and contracts, and of all suits, actions, and rights of action, shall continue as if no change had taken place.

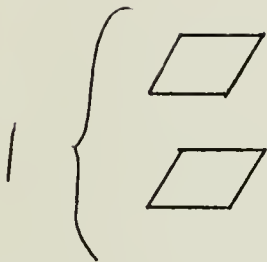
(3) All officers filling any office by election or appointment shall continue the duties thereof, until their offices shall have been abolished or their successors selected and qualified in accordance with this Constitution or laws enacted pursuant thereto.

OFFICIAL BALLOT

Instructions to voters: Place an "X" in the boxes which express your preferences. The full text of the proposed Constitution and the separate propositions is available for inspection at your polling place.

YOU SHOULD VOTE 4 TIMES

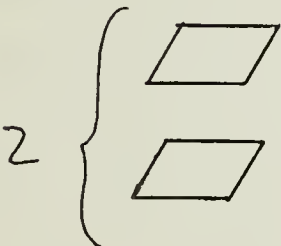
(Vote for one)



For the proposed Constitution.

Against the proposed Constitution.

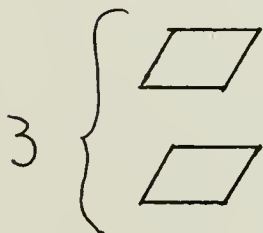
(Vote for one)



2A. For a unicameral legislature (1 house).

2B. For a bicameral legislature (2 houses).

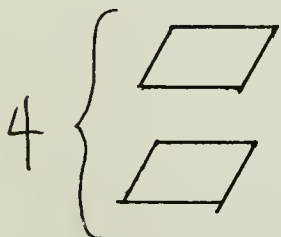
(Vote for one)



3A. For abolishing the death penalty.

3B. Against abolishing the death penalty.

(Vote for one)



4A. For allowing the legislature or the people to authorize gambling.

4B. Against allowing the legislature or the people to authorize gambling.

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DIVISION OF THE PHYSICAL SCIENCES
DEPARTMENT OF CHEMISTRY

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